Hon'ble Irshad Hussain, J.

Heard. This is a criminal revision under section 397/401 of the Code of Criminal Procedure against the impugned order dated 3.10.2003 whereby the ex-party order was set aside under section 126(2) however exorbitant cost of Rs. 5,000/- was imposed.

Learned counsel for the revisionist submitted that the cost awarded is arbitrary and highly excessive although there is no finding that the ground taken to set aside the ex-party order was frivolous. There is also no observation that the revisionist was applying delay tactics. Considering this aspect, it will be in the fitness of things besides being just and proper that the amount of cost may suitably be reduced. Having regard to the facts and circumstances, the amount of costs reduced to Rs. 500/- only, and the said cost shall be payable to the respondent children.

The petition is disposed of finally in these terms.

(Irshad Hussain, J.)

Dated 24.10.2003
Rawat